



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,117	09/24/2003	Frank E. Barrus	3484.1007-001	2544
21005 7590 07/27/2007 HAMILTON, BROOK, SMITH & REYNOLDS, P.C. 530 VIRGINIA ROAD P.O. BOX 9133 CONCORD, MA 01742-9133			EXAMINER THERIAULT, STEVEN B	
			ART UNIT 2179	PAPER NUMBER
			MAIL DATE 07/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/670,117

Applicant(s)

BARRUS, FRANK E.

Examiner

Steven B. Theriault

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the following communications: Amendment filed 04/30/2007.

This action is made Final.

2. Claims 1 -20 are pending in the case. Claims 1, 7, and 13 are the independent claims.

Claim Rejections - 35 USC § 102

3. **The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-18 are rejected under 35 U.S.C 102(b) as being anticipated by Springer et al (hereinafter Springer) U.S. Patent No. 5,936,608 issued Aug. 10, 1999.**

In regard to **Independent claim 1**, Springer teaches a method of communicating with a user of a display screen comprising:

- Proportionally decreasing brightness of a first area on the display screen (See column 5, lines 32-37) Springer teaches dimming the visual object not in the system users focus by a magnitude of variation (Se column 6, lines 30-35).
- Increasing the brightness of a second area on the display screen by a fixed amount (See column 5, lines 35-42) Springer teaches increasing the brightness of the window when the window as users focus by a magnitude of variation (See column 6, lines 30-35).
- Wherein the first area and the second area are defined independently of contents of the display screen (See column 6, lines 35-47) Springer teaches the objects brightness is increased and decreased by the palette manager, which are defined separately from the contents of the windows.

With respect to **dependent claim 2**, Springer teaches a method wherein the first area is configured to communicate a message to the viewer (Springer column 5, lines 15-20 and 60-67). Springer teaches the process of dimming a window after a predetermined rule or event has expired such as a predetermined amount of inactivity by the user. The system message to the user will be that the window will be dimmed because you have not used it.

With respect to **dependent claim 3**, Springer teaches a method wherein the second area is configured to communicate a message to the viewer (Springer column 5, lines 15-20, 30-42, and 60-67). Springer teaches the process of brightening a window after an event has transpired such window selection by the user. The system message to the user will be that the window will be brightened because you are using it.

With respect to **dependent claim 4**, Springer teaches a method wherein the first area and the second area are configured to communicate a message to the viewer (Springer column 5, lines 15-20, 30-42, and 60-67). The message of Springer is to communicate to the user through the operating system events of changing the window brightness.

With respect to **dependent claim 5**, Springer teaches a method wherein the fixed amount is greater than a brightness of a brightest location within the first area (See column 6, lines 35-67 and column 7, lines 1-20)

With respect to **dependent claim 6**, Springer teaches a method wherein said proportionally decreasing and increasing communicates an abnormal situation (See column 5, lines 35-42 and 50-56). An abnormal condition could be that all windows need to be decreased by an

amount so as the operating system battery usage could be reduced in the event that the battery is low on charge, which is an abnormal condition.

In regard to **Claims 7-12**, claims 7-12 reflect substantially the same subject matter as claims 1-6 and are rejected along the same rationale

In regard to **Claims 13- 18**, claims 13-18 reflect the device comprising computer readable instructions for performing the steps of method claims 1-6, respectively, and are rejected along the same rationale.

Claim Rejections - 35 USC § 103

5. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 19-20 are rejected under 35 U.S.C 103(a) as being unpatentable over Springer et al (hereinafter Springer) U.S. Patent No. 5,936,608 issued Aug. 10, 1999 in view of Brown et al. (hereinafter Brown) U.S. Patent 7046254 (previously cited and used in a rejection).**

With respect to **dependent claim 19**, as indicated in the above discussion, Springer teaches every element of claim 13.

Springer teaches a device wherein the display screen is a multi-component color display, and the computing device, in response to an event, proportionally decreases the brightness of a color component within the first area on the display screen and increases the brightness of the color component within a second area on the display screen by a fixed amount, wherein the first area and the second area are defined independently of contents of the display screen (See Springer column 5, lines 15-55).

Art Unit: 2179

Springer does not expressly teach:

such that a translucent film overlays original contents of the screen display at the time of the event such that the original contents remain visible

However, in the same problem solving area of providing an indication to the user by varying the brightness of a visual object, Brown teaches and shown the process of varying the translucent value for a visual object so as to display the information below the overlay (See Figure 5 and column 9, lines 15-25).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Springer and Brown in front of them, to modify the system of Springer to include the translucent overlay to display the contents of the display object at the time of the event. The motivation to combine comes from the teachings of Brown to monitor the system resource utilization and then change a window color after the time period, which is an example of the process as outlined in Springer (See Brown column 9, lines 15-25). Moreover, the suggestion to combine comes from the suggestion to monitor graphical resources such as a window and then upon an event then displaying the overlay, which the event can be the predetermined rule as specified in Springer (See Brown column 3, lines 50-67).

With respect to **dependent claim 20**, as indicated in the above discussion, Springer in view of Brown teaches every element of claim 19.

Springer does not expressly teach a device wherein the translucent film is timed to a predetermined color signifying system status. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Brown, because Brown teaches that transparency value and color are stored while using the alpha blending process and where the color cues the user to the position in the resource where the resource is displaying the system information.

Art Unit: 2179

It is noted that any citation to specific pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re *Heck*, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re *Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Response to Arguments

7. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner can normally be reached on M, W, F 10:00AM - 8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2179

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SBT



WEILUN LO
SUPERVISORY PATENT EXAMINER